

### **REMARKS**

Reconsideration of the pending application is respectfully requested. Claims 36-62 remain pending in the present application.

### **35 U.S.C. § 102(b) Rejections**

Claims 36, 38-39 and 59 -61 are rejected under 35 U.S.C. § 102(b) as being anticipated by Muller et al. (U.S. Patent No. 4,954,255). Applicant's Attorney respectfully traverses Examiner on this grounds for rejection.

Regarding Claims 36 and 62, Examiner contends that Muller discloses a pleated fluid filter arrangement comprising: at least one layer of flanks of filter media (#22,5) pleated into a plurality of longitudinally extending adjacent opposed successive pleat flanks of selected depth having sharp-nonwavy face crests, planar flanks and small areas of curvature or waviness opposite the crests. Spacers 6 or 11/12 provide spacing between successive pleat flanks 5 to provide spaced upstream and downstream filter face crests. The pleat flanks 5 are substantially planar. In the embodiment of figure 9, the spacers are in the form of facing increments that are nestled against the filter media surfaces (column 5, lines 9-20 and column 6, lines 44-58). Examiner further alleges that the top or fold edges, crests, of the pleat flanks together form a substantially single planar surface, the facing increments being adhered to the planar surfaces at points which are spaced from the pleat crests.

Muller et al. teaches:

FIG. 7 shows, on an enlarged scale, a cross-section through a single or individual filtering pleat or fold 20. The insert or spacer extends from the supporting body or support 1 up to two thirds of the depth or height of the associated filtering pleat or fold 20. Muller et al.,

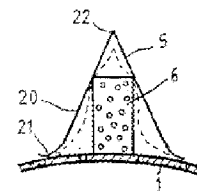


Fig. 7

col. 6, lns. 21-24.

Applicant is currently claiming a pleated fluid filter arrangement comprising successive pleat flanks comprising a single plane manufactured to have minimal wave formation and being spaced by communicatively facing increments of spaced formed material increments of selected length applied to said flank planes adjacently extending with said selected lengths oriented between and spaced from said spaced upstream and downstream filter face crests.

Muller et al. fails to disclose pleat flanks manufactured to have minimal wave formation and being spaced by communicatively facing increments of spaced formed material increments of selected length applied to the flank planes adjacently extending with said selected lengths oriented between and spaced from spaced upstream and downstream filter face crests. The increments of spaced formed material in Muller et al. extend from the supporting body and have only corners adjacent the pleat flanks and not the length of the increments as currently claimed. For these reasons, Applicant's Attorney respectfully requests said rejection be withdrawn.

Regarding Claim 38, Examiner contends that Kahler discloses the communicatively facing increments of the spaced formed material increments being of selected thickness so that the distance between adjacent successive pleat planks and between the spaced upstream and downstream filter face crests is substantially equal (Figs. 2a-5d and especially figure 6). Regarding Claim 39, Kahler discloses the adjacent successive pleat flanks being of a substantially uniform level geometric configuration (Figs. 2a-5d).

Applicant's Attorney respectfully traverses Examiner on this grounds for rejection. The increments of spaced formed material disclosed in Kahler are *corrugation-like depressions*

*stamped on one side* of the pleat flank so that when folded in a substantially zigzag-shaped the depressions face each other in every two adjacent pleat flanks. Applicant is claiming pleat flanks comprising a single plane in Claims 38 and 39 while Kahler discloses having corrugated pleat flanks. Additionally, Claims 38 and 39 depend from Claim 36, claiming pleat flanks manufactured to have minimal wave formation which is not disclosed in Kahler. Therefore, Applicant's Applicant respectfully requests these rejections be withdrawn as well.

### **35 U.S.C. § 103 Rejections**

Examiner has rejected Claims 37, 40-58, and 62 under 35 U.S.C. 103(a) as being unpatentable over various combinations of Muller et al (4,954,255), Van Rossen (5,505,852), Kahler, Enborn, Cusick et al., Niccum et al., Osendorf, and Kenigsberg et al. Applicant's Attorney respectfully traverses Examiner on these grounds of rejection.

Claims 37 and 40-58 are dependent on Claim 36 and Claim 62 is an independent claim. Agreement on claim language was reached during an interview with Examiner wherein it was agreed that claim 36 if amended by replacing "with minimal wave formation" with "manufactured to have minimal wave formation" in line 5 and by inserting "applied to said flank plane" following "spaced formed material increments" in line 6 would distinguish over all of the prior art. It was also agreed that claim 62 if amended by in lines 7-8 replacing "minimizing wave contour formation" with "so as to have minimal wave contour formation" and in line 11 replacing "a planar surface" with "the planar surface" would similarly distinguish, Examiners Interview Summary, 5/18/2007. Applicant's Attorney made said amendments in the 5/24/2007

Amendment. However, Muller et al (4,954,255) and Van Rossen (5,505,852) were not previously considered as they are newly cited art.

Neither Muller et al. nor Van Rossen teach the presently claimed pleated fluid filter arrangement of Claim 36 having successive pleat flanks comprising a single plane *manufactured to have minimal wave formation* and being spaced by communicatively facing increments of spaced formed material increments of selected length applied to the flank planes adjacently extending with the selected lengths centrally oriented between and spaced from the spaced upstream and downstream filter face crests, the increments of spaced formed material increments being adhered to a planar surface of the adjacent opposed successive pleat flanks.

Additionally, Neither Muller et al. nor Van Rossen teach the presently claimed pleated fluid filter arrangement of Claim 62 with successive pleat flanks having a singularly planar configuration formed in a pleating zone with a back and forth reciprocating motion of a reciprocating mechanism between opposed media faces *so as to have minimal wave contour formation* and being spaced by communicatively facing increments of selected length of spaced formed material increments adjacently extending with the selected lengths centrally oriented between and spaced from the spaced upstream and downstream filter face crests, the increments of spaced formed material increments being adhered to the planar surface of adjacent opposed successive pleat flanks.

However, Examiner contends that Muller discloses a pleated fluid filter arrangement comprising: at least one layer of flanks of filter media (#22,5) pleated into a plurality of longitudinally extending adjacent opposed successive pleat flanks of selected depth (having

sharp-nonwavy face crests, planar flanks and small areas of curvature or waviness opposite the crests. Office Action, pg. 2, #2. Examiner also contends that Van Rossen teaches a pleated filter of substantially planar, un-wavy features, with the filter media consisting of a support material layer and filter material layer that may be of fabric (see especially Abstract, column 6, lines 3-47). Pg. 5, #3. Yet, as in Kahler, Enborn, Cusick et al., Niccum et al., Osendorf, and Kenigsberg et al., neither Muller nor Van Rossen teach pleat flanks having minimal wave formation as claimed. Hence, Applicant's Attorney respectfully requests said rejection be withdrawn.

### **Conclusion**

Applicant's Attorney asserts that the instant application is in condition for allowance. Applicant's Attorney therefore respectfully requests that the Examiner allow the pending claims. However, if the Examiner believes there are other unresolved issues in this case, Applicant's Attorney of record would appreciate a call at (502) 584-1135.

Respectfully submitted,

**MIDDLETON REUTLINGER**

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